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PAGE 01 STATE 178863

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C O R R E C T E D C O P Y (LINE OMISSION)

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TAGS: PFOR, OAS, PE

SUBJECT: PHASE II OF OAS SPECIAL COMMITTEE -- REPORT NO. 2

-- PERUVIAN PROPOSAL FOR RIO TREATY REFORM

BEGIN SUMMARY: PERU'S PROPOSAL FOR RIO TREATY REFORM WOULD

(A) LIMIT TREATY'S APPLICABILITY TO ARMED ATTACK AND NEW
CONCEPT OF ECONOMIC AGGRESSION, AND ELIMINATE PRESENT
ARTICLE 6 APPLYING TO INDIRECT AGGRESSION, THREATS TO THE
PEACE AND OTHER SITUATIONS SHORT OF ARMED ATTACK; (B) PRO-
VIDE FOR APPLICATION OF MEASURES UNDER TREATY IN CASES OF
ARMED ATTACK BY ONE SIGNATORY STATE AGAINST ANOTHER AND
IN CASES OF ECONOMIC AGGRESSION EITHER BY AMERICAN STATE
OR FROM EXTRACONTINENTAL SOURCE, LEAVING ARMED ATTACK

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PAGE 02 STATE 178863

FROM EXTRACONTINENTAL SOURCE FOR JOINT ACTION IN UN; (C)

LIMIT AREA COVERAGE TO TERRITORY OF SIGNATORY STATES, OMITTING NON-MEMBER AND HIGH SEAS AREAS OF HEMISPHERE NOW COVERED; (D) PROVIDE FOR TERMINATING MEASURES WHEN THEY CEASE TO HAVE TWO-THIRDS SUPPORT REQUIRED FOR IMPOSING THEM; (E) MAINTAIN PRESENT PROVISION ON OBLIGATORY NATURE OF MEASURES. END SUMMARY

1. FOLLOWING ARE HIGHLIGHTS OF PERUVIAN PROPOSAL FOR RIO TREATY REFORM, INTRODUCED FORMALLY BY PERUVIAN REPRESENTATIVE IN SUBCOMMITTEE I SESSION SEPTEMBER 5 (STATE 177181). AS EXPLAINED BY PERUVIAN REP, THESE REPRESENT AMPLIFICATION AND MODIFICATION OF PERUVIAN IDEAS PROPOUNDED IN LIMA AND "TAKE INTO ACCOUNT" MEXICAN PROPOSAL (LIMA'S 4723, JULY 7), WITH WHICH THERE ARE SIMILARITIES AND BASIC DIFFERENCES.

A. TREATY WOULD APPLY TO:

- (1) ARMED ATTACKS BY ONE SIGNATORY STATE AGAINST ANOTHER, IN WHICH CASE ORGAN OF CONSULTATION COULD TAKE MEASURES AS IN PRESENT TREATY -- E.G. RUPTURE OF DIPLOMATIC RELATIONS, ECONOMIC SANCTIONS, ARMED FORCE, ETC.
- (2) EXTRACONTINENTAL ARMED ATTACK AGAINST SIGNATORY STATE, IN WHICH CASE OC WOULD AGREE ON JOINT ACTION TO BE TAKEN IN UN. (THIS REPRESENTS MODIFICATION OF PERUVIAN PROPOSAL IN LIMA WHICH WOULD HAVE ELIMINATED THIS COVERAGE ENTIRELY. ARTICLE 3 OF PRESENT TREATY APPLIES EQUALLY TO ARMED ATTACK BY ANY STATE, WITHOUT DISTINCTION AS TO GEOGRAPHIC SOURCE.)
- (3) ECONOMIC AGGRESSION BY ONE AMERICAN STATE AGAINST ANOTHER IN VIOLATION OF CONCEPT OF COLLECTIVE ECONOMIC SECURITY, IN WHICH CASE OC COULD TAKE MEASURES AS IN (1) ABOVE EXCEPT FOR USE OF ARMED FORCE, AS WELL AS MEASURES TO PROVIDE REPARATIONS TO AFFECTED STATE.

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PAGE 03 STATE 178863

- (4) EXTRACONTINENTAL ECONOMIC AGGRESSION AGAINST SIGNATORY STATE, IN WHICH CASE OC WOULD DECIDE ON "NECESSARY MEASURES" TO END SUCH AGGRESSION.

B. AREA COVERED WOULD BE CONTINENTAL, INSULAR AND MARITIME TERRITORY OF EACH SIGNATORY STATE INCLUDED IN RESPECTIVE NATIONAL JURISDICTIONS. (SIMILAR TO MEXICAN

PROPOSAL. PRESENT TREATY COVERS ZONE COMPREHENDING ENTIRE WESTERN HEMISPHERE AND CONSIDERABLE ADJACENT HIGH SEAS AREAS, PLUS ARMED ATTACKS AGAINST SIGNATORY STATES OUTSIDE THIS ZONE.)

C. DECISIONS WOULD BE BY TWO-THIRDS VOTE AS IN PRESENT TREATY, EXCEPT THAT MEASURES WOULD BE TERMINATED WHEN THEY CEASE TO HAVE TWO-THIRDS SUPPORT (AS IN MEXICAN PROPOSAL).

D. DECISIONS REQUIRING APPLICATION OF MEASURES WOULD BE OBLIGATORY EXCEPT FOR USE OF ARMED FORCE (AS IN PRESENT TREATY).

3. PERUVIAN PAPER EXPLAINS THAT INCLUSION OF ECONOMIC AGGRESSION IS "CULMINATING PART" OF AN ENTIRE ECONOMIC

SECURITY SYSTEM PROPOSED BY PERU, OTHER ASPECTS OF SYSTEM BEING COVERED IN SEPARATE PERUVIAN PAPER (DISTRIBUTED SEPTEMBER 6) RELATING TO ROLE OF PROPOSED DEVELOPMENT COUNCIL IN DEALING WITH DETRIMENTAL ECONOMIC SITUATIONS, ACTIONS OR THREATS SHORT OF ACTUAL ECONOMIC AGGRESSION. PERUVIAN RATIONALE FOR ADDING ECONOMIC AGGRESSION TO RIO TREATY INCLUDES ARGUMENT THAT IT CORRESPONDS TO ARTICLE 19 OF OAS CHARTER WHICH PROSCRIBES COERCIVE MEASURES BUT WHICH LACKS "JURIDICAL CONSEQUENCES." THIS OF COURSE IGNORES FACT THAT ARTICLE 19 SPEAKS OF MEASURES OF A POLITICAL CHARACTER AS WELL AS ECONOMIC.

4. PERUVIAN PAPER EXPLAINS ELIMINATION OF PRESENT ARTICLE 6 OF TREATY ON GROUNDS THAT SITUATIONS COVERED ARE ILL-DEFINED AND LEAD TO DISTORTED APPLICATIONS OF TREATY, AND THAT SUCH SITUATIONS COULD BE DEALT WITH LIMITED OFFICIAL USE

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PAGE 04 STATE 178863

BY MFM UNDER CHARTER RATHER THAN RIO TREATY.

5. WHEN QUESTIONED BY OTHER REPS ON OMISSION OF "POLITICAL AGGRESSION" (REF. CHARTER ARTICLE 19) AND THREATS TO THE PEACE ETC. COVERED IN PRESENT TREATY ARTICLE 6, AS WELL AS IMPRECISION OF TERM "ECONOMIC AGGRESSION", PERUVIAN REP'S REPLY ADDED NOTHING TO RATIONALE. MOREOVER, AS AMBASSADOR JOVA POINTED OUT IN SEPTEMBER 6 SESSION, TWELVE OF THE THIRTEEN RIO TREATY APPLICATIONS TO DATE WOULD NOT HAVE BEEN POSSIBLE UNDER PERUVIAN AMENDMENTS, ONLY ONE HAVING INVOLVED ARMED CONFLICT BETWEEN STATES. PERUVIAN REP SIDE-STEPPED THIS BY RESPONDING THAT PURPOSE WAS TO WORK FOR FUTURE RATHER THAN FOR PAST. NOR DID HE ANSWER SQUARELY JOVA'S QUESTION ON TYPES OF SITUATIONS TO WHICH ECONOMIC AGGRESSION PROVISION WOULD APPLY OR

JOVA'S REQUEST FOR ASSURANCE THAT THIS PROPOSAL WAS NOT
INTENDED TO BE DISCRIMINATORY (MEANING AIMED AT U.S.)
WHEN JOVA ASKED ABOUT POSSIBILITY OF VETO IN
UNSC IN CASE OF EXTRACONTINENTAL ARMED ATTACK, PERUVIAN
REP LAMELY REFERRED TO ALTERNATIVE OF RECOURSE TO UNGA
UNDER UNITING FOR PEACE RESOLUTION.

6. FURTHER COMMENTS WILL FOLLOW. RUSH

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